

15.42 hrs.

**(xii) Child Labour (Abolition) Bill\****[English]*

SHRI CHITTA BASU (BARASAT): I beg to move for leave to introduce a Bill to provide for the abolition of child labour and for matters connected therewith.

MR. DEPUTY-SPEAKER: The question is:

"That leave be granted to introduce a Bill to provide for the abolition of child labour and for matters connected therewith."

*The motion was adopted.*

SHRI CHITTA BASU: I introduce the Bill.

15.43 hrs.

**(xlii) Constitution (Amendment) Bill\*****(Amendment of Article 73)**

SHRI CHITTA BASU (BARASAT): I beg to move for leave to introduce a Bill further to amend the Constitution of India.

MR. DEPUTY-SPEAKER: The question is:

"That leave be granted to introduce a Bill further to amend the Constitution of India."

*The motion was adopted.*

SHRI CHITTA BASU: I introduce the Bill.

**(xiv) Press and Registration of Books (Amendment) Bill\*****(Insertion of New Section 3A)**

15.44 hrs.

*[English]*

SHRI CHITTA BASU (BARASAT): I beg to move for leave to introduce a Bill further to amend the Press and Registration of Books Act, 1867.

MR. DEPUTY-SPEAKER: The question is:

"That leave be granted to introduce a Bill further to amend the Press and Registration of Books Act, 1867."

*The motion was adopted.*

SHRI CHITTA BASU: I introduce the Bill.

15.45 hrs.

**GOVERNMENT OF UNION TERRITORY OF  
ANDAMAN AND NICOBAR ISLANDS BILL-CONTD.***[English]*

MR. DEPUTY-SPEAKER: Before further discussion on the Government of Union Territory of Andaman and Nicobar Islands Bill moved by Shri Basudeb Acharia is resumed, I would like to mention that 3 hours and 28 minutes have already been taken on this Bill, thus exhausting the time allotted for its discussion.

Is it the pleasure of the House that the time for this Bill be further extended by half-an-hour?

SEVERAL HON. MEMBERS: Yes, Sir.

MR. DEPUTY SPEAKER: So, the time is extended by half-an-hour.

Shri Sontosh Mohan Dev may now resume his speech.

SHRI SONTOSH MOHAN DEV (SILCHAR): Mr. Deputy Speaker, Sir, I was on my legs last time.

MR. DEPUTY-SPEAKER: You are again on your legs !

AN HON. MEMBER: This time he is on his toes !

SHRI SONTOSH MOHAN DEV (SILCHAR): I had placed before this House that the consecutive Governments at the Centre, including the present Government, have been seriously thinking about more decentralisation of power from the Centre to the States, Union Territories and other areas. During Rajiv Gandhi's regime, Nagar Palika Bill and Gram Panchayat Bill were introduced and now they have been a factor in our country. Panchayats and Nagar Palikas have been given more power. The present Government has not only given power, it has also given enough funds. We have seen in this Budget also that the quantum of money for the rural sector and also for the urban sector for development has been quite large, so that people can invest money on their own. The Government of India has given money and this money is to go directly to the Panchayats and Nagar Palikas. Of late, the Chief Ministers have suggested otherwise. I do not know whether this Government will accept it. But I understand that some of them may be accepted, but not all.

Andaman and Nicobar Islands is an isolated case. It should not be equated with Jharkhand, Uttarakhand, Darjeeling or anything else. They are an isolated Islands. But their thinking is like the mainstream thinking. They are not parochial in their attitude.

All shades of people live there. Whether they are the Bengalis, whether they are the people from Kerala, whether they are the people from Maharashtra or whether they are the people from Tamil Nadu, all sorts of people live there.

As a Minister of State in the Ministry of Home Affairs, I had an opportunity to visit that place, as a Tourism Minister, I have visited the Andamans and as a Defence

\*Published in the Gazette of India, Extraordinary, Part-II, Section-2, dated 6.3.97.

[Shri Sontosh Mohan Dev]

Minister, I have visited all the islands there, each and every one of them, including the Indira Point.

Had Rajiv Gandhi been alive, the Andamans would have got the status of a Union Territory by this time. He also assured that the status of a Union Territory with a Legislature like the Union Territory of Pondicherry, would be given. We used to be there in the meetings of the Island Development Board as Ministers. We used to see how sympathetic they are.

I am not saying that the present Government is not sympathetic. The hon. Prime Minister has declared that 'Uttarakhand' will be given the status of a Union Territory but the only problem is that the Assembly has to ratify it. Otherwise, it could not be done. That is the only hitch. He has made it clear.

Taking all these into consideration, the revenue earnings of the Andamans would be more than that of Nagaland and that of Mizoram. today is a very significant day. The hon. Minister of Tourism has also assured this House that spots which have great attraction for tourism will be promoted, provided there is enough fund in the Budget. Tourism is a factor which earns foreign exchange without any investment. He said that very rightly. The fault lies in the policy of the Government. When the tourists arrive at the airports, they see that the approach of the Immigration Department is as if some culprits have come in. Some tourists told me at the time when I was the Minister of Tourism that the officials did not even smile at them, what to talk of a warm reception !

When Shri H.K.L. Bhagat was the Minister of Tourism, I was his deputy. There was a meeting where he said that for the foreign tourists India is a safe destination. At the same time, he had four black cat commandos behind him. The tourists asked, 'Why are you having black cat commandos if India is a safe destination?' So, these are conflicting statements.

But the Andamans is a safe destination for the people belonging to the middle income group to visit. They can visit the place at less cost and derive much pleasure. They have made many arrangements there and the hotels have also been encouraged to provide good facilities. If a people's representative is there, I think, it will have more attraction. Now, the administration is run by one Lieutenant-Governor with some bureaucrats. What is the figure of investment there? I do not know that; my good friend who is looking after that area would be knowing it.

You cannot appoint a school teacher there. The Union Public Service Commission will appoint the teacher. The Ministry of Home Affairs cannot take any action to fill up the vacancy; they are not given the power. Everything will have to go through the UPSC and they will do it. Shri Bhakta had to run all over India to ask for establishment of an engineering college and a medical college. The Ministry of Home Affairs also helped him.

This is an island quite different from all the other areas which are demanding the status of a Union Territory or Statehood. The people there are peace loving. There is no infighting among the various communities. I have seen that all political parties that fight elections there are also very friendly. Every time they elect Shri Manoranjan Bhakta. He is the winner and there is no fighting there because the people are very very keen to see that in a small island on the border we must not create any problem about it.

When Shri Vajpayee was the Minister of External Affairs, he said, 'When I visited that island, I felt guilty because we have such a good spot but we go to Switzerland and other places. Why is this being neglected?' But the subsequent Government has failed to do it for environmental reasons. Shri Rajiv Gandhi wanted to develop an island with hovercraft facilities. Shri Seshan, the then Secretary, Environment, refused to give consent. At that time I was the Minister of Tourism. Now, people go to Nepal because they get more facilities there than what is available in India. So, I would appeal to the Government and to the House that Government must not make it a prestige issue.

This House, after a debate on this Bill, should recommend for a separate legislature for Andaman and Nicobar Islands. You say that you will go to the Cabinet, you will discuss about it and you will take the opinion of all political parties. If there is a consensus among the political parties, then you do it. We know your difficulties. You just cannot say that you will pass a Bill on it. Shri Manoranjan Bhakta is a reasonable person. We should give an opportunity to the Government. If the Prime Minister calls for an all-party meeting on this issue, I think, nobody would object to it. The pattern of Pondicherry is already there. You can bring a Bill on the pattern of Pondicherry after this Session.

With these words I would request Shri Maqbool Dar and Shri Srikanta Jena to consider this.

[Translation]

MR. DEPUTY SPEAKER: Hon'ble Members, this is a very important Bill and several members have shown interest in expressing their views on it. 10-20 minutes time is still left. The House has already decided that only four hours' time would be taken for discussing any bill hence I would like the discussion to be concluded within the stipulated time frame. Although I have with me names of several Hon'ble members who wish to express their views on it, I invite Hon'ble Minister to intervene.

SHRI V. DHANANJAYA KUMAR (MANGALORE): I shall take only four minutes.

MR. DEPUTY SPEAKER: In that case, it would take more than four hours. Minister is still to give his reply. The member who has introduced the bill also has also to use his right to give a reply. I am sorry but a number of members have already expressed their views.

SHRI V. DHANANJAYA KUMAR: Only one member from our party has spoken on this bill.

[English]

MR. DEPUTY SPEAKER: The Minister may please intervene now.

[Translation]

PROF. RASA SINGH RAWAT (AJMER): No other member from our party except Shri Satya Pal Jain has spoken whereas from other parties, two or even three members have participated in the discussion.

MR. DEPUTY SPEAKER: If I invite you to speak, I would have to call out the names of other members as well. It would be very difficult to manage.

[English]

SHRI K. PARASURAMAN (CHENGALPATU): Mr. Deputy-Speaker, Sir, on behalf of DMK, I rise to speak on the Private Member Bill brought forward by my learned colleague, Shri Basu Deb Acharia for creating a separate legislature for Andaman & Nicobar Islands. It is a pity that even after fifty years of our Independence, we have never thought about their grievances, like having a separate legislature for Andaman & Nicobar Islands.

\*Even after 50 years of independence, the people of Andaman & Nicobar Islands have not got the fruits of independence. I am pained to point out that they do not have a representative Government of their choice which will give shape to their democratic aspirations. It has taken such a long time for us who sit in this House to think about the people of Andaman & Nicobar Islands. Infrastructural facilities like electricity, roads, transport, post and telegraph, hospital, etc., should be provided to them adequately. Only an elected Government there could attend to it properly. Otherwise what happens is, Government staff from the main land who are transferred to work there considered it to be a punishment transfer. Instead of discharging their duties to improve the lot of the local people there, these Government servants consider their tenure to be a term of punishment. Ultimately, the local people face grave problems because of slow-paced developmental activities.

We classify land areas and we may call them a, b and c. Unfortunately the people of Andaman & Nicobar Islands have also been classified like this. They feel segregated. They also feel that a step motherly treatment is meted out to them. They must be encouraged to take part in the governance of this country. They should be given opportunity to elect their own representatives who in turn will elect the President of India. This will ensure a sense of participation and this is possible only when we go in for setting up a legislative assembly for the Andaman & Nicobar Islands. They must be given rights to elect their representatives who will be legislating laws and frame rules and regulations in accordance with the local needs and customs.

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\*Translation of the speech originally delivered in Tamil.

15.55 hrs.

(SHRI CHITTA BASU in the Chair)

Government of India must fulfil their aspirations to have their representative body in the form of a legislative assembly. Shri Basudeb Acharia who introduced this Bill in this House pointed out that Hindi speaking people are in a majority in those islands. But the fact is to the contrary. People who speak several languages are there. We find people from Kerala, Andhra Pradesh, Tamil Nadu and West Bengal and many other parts of India. We find people of many languages co-exist there. We also find several aborigines and tribals living in the interior islands. There is a tribal race called 'Ongis' who are considered to be early settlers. So we must ensure that people from all language groups get adequate representation in the legislative body to be formed there. We should not be misled by the wrong notion that only Hindi speaking people are there. All languages should be given equal status and all their representatives should have equal opportunity.

After independence several States were formed. Even after introducing a republic Government we have carved out several States. In the pattern of Uttar Pradesh, Bihar, Maharashtra, etc., a separate State should be formed there in Andaman & Nicobar Islands. People who live there should have enough of opportunities to lead their social lives together conforming to their various customs and traditions. For instance, people of Tamil origin are celebrating Pongal festival there. So people who live there should have opportunity to lead a life of harmonious coexistence with ample opportunity to follow their cultural traditions. People of Andaman & Nicobar Islands should be given opportunity to carry out their functions in their respective languages.

When we think in terms of establishing a legislative assembly, we must not forget the importance of ensuring security of that region. There are hundreds of islands and islets with various kinds of people. We must take care to preserve them all giving proper security. We must not forget what happened to Katchativu a small island between Tamil Nadu and Sri Lanka. Enough of security considerations were not given when we handed over that islet to the neighbouring island nation. Indian Government did not give due consideration and ignored the facts pertaining to the security considerations and the strategic importance of that island. So we must take adequate care to keep intact all the islands and islets in the Andaman & Nicobar. Sir, there is an equal distance between Chennai Port and Port Blair as compared to the distance between Calcutta and Port Blair. Therefore, transportation facilities from Chennai should be frequent which would also be easier and conducive.

So, we must come forward to create a legislative assembly which would ensure better life and living conditions to the people of Andaman & Nicobar Islands. This representative body will provide them with a sense of participation which would enable them to participate in the indirect elections for electing the President of India. They will get an opportunity to vote and elect the President of India. They are all Indians and they must get this

[Shri K. Parasuraman]

opportunity. So I welcome the Bill moved in this regard by Shri Basudeb Acharia and I appeal to the House to ensure a smooth passage to this Bill. With this, I conclude.

16.00 hrs.

SHRI V. DHANANJAYA KUMAR (MANGALORE): Respected Chairman, I rise in support of the Bill introduced by my good friend Shri Basudeb Acharia for creation of a Legislative Assembly for the Union Territory of Andaman and Nicobar Islands.

Sir, Andaman and Nicobar Islands is a beautiful piece of land. It may not be an exaggeration if I may be permitted to say that this is really a heaven on earth. Though Andaman and Nicobar Islands is a part of our country, it is situated at a distance. We are living in democracy. The essence of democracy is to give an opportunity to the people to express their true will. That is why, periodical elections are held and citizens of the country would be given an opportunity to elect their own representatives. There are about two lakh people living in the Andaman and Nicobar Islands. As was being pointed out by Shri Sontosh Mohan Dev, if for each and everything like providing facilities or amenities, for appointing a teacher in a school or a nurse or an orderly in a hospital, decisions are to be taken from Delhi, by the people sitting in the Union Public Service Commission, then it would be great injustice on the part of the people of Andaman and Nicobar Islands.

Sir, one may wonder how I could stand up in support of a Bill moved by Shri Basudeb Acharia. But for a change, I support this Bill for the reason that my thinking, so far as this aspect is concerned, coincides with that of Shri Basudeb Acharia. Our Party, BJP believes in decentralisation of power and we want to give the rights at the hands of the people and we want to take the governing machinery to the doorsteps of the common man. So, it is very much necessary that a Legislature must be provided for Andaman and Nicobar Islands. It is already given the status of a Union Territory. But the administrative machinery does not have the required teeth. Everything is being controlled from Delhi. This cannot be termed as decentralisation of power. That is why, it is all the more necessary that a Legislature must be constituted in Andaman and Nicobar Islands.

Now, so far as the situation in this piece of land is concerned, I do not know whether anybody has given a thought to this or not. This could be definitely developed as a strategic international trade centre. It is situated in such an ideal location where we can attract more and more trade and business on these Islands. Apart from tourism—the tourists attraction is already existing there though the infrastructure is lacking there—fishing is also there. I know that my good friend, Shri Manoranjan Bhakta was mentioning even today and I believe the rule is prevailing that in the name of protecting environment, removing of sand and stones from Andaman and Nicobar Islands is totally banned.

For construction of even a small building for a school or a hospital, the building material, like sand and stone, will have to be transported from the mainland to the Andaman and Nicobar Islands. In such a situation, how can you expect development of these Islands? While someone would be sitting in Delhi, I do not know with what enthusiasm and speed all these provisions would be made for the Andaman and Nicobar Islands. That is why, it is all the more necessary that powers must be given into the hands of the people who would be elected by the citizens of Andaman and Nicobar Islands to have their own policy about governance and to achieve the development there. They can definitely stand on their legs.

Somebody expressed the doubt that now money is being granted from Delhi. Since it is a Union Territory, naturally, the Government of India is allocating more and more funds for it. But I am sure, once the legislative powers are given to the people of Andaman and Nicobar Islands, they can improve on their own. They can definitely improve their economic situation there. More and more trade and business can come there. Fishing can also be developed. They can attract more tourists so that the whole economy of Andaman and Nicobar Islands could be improved. That is why I fully support this Bill.

I would request the hon. Minister that he must make a firm announcement today that a Bill will be introduced in this session of the Parliament. Shri Basu Deb Acharia, we are determined to vote for your Bill today itself and the Bill will be passed.

[Translation]

PROF. RASA SINGH RAWAT: Mr. Chairman, sir, thank you for having given me the permission to speak. I will conclude in two minutes.

Sir, I have had the opportunity to visit Andaman and Nicobar twice or thrice. Andaman and Nicobar is a mini-India. The residents of various states of India are living there in a very cordial atmosphere and such an atmosphere should in fact be emulated throughout the country. Andaman-Nicobar is also strategically an important place by virtue of its location in the midst of Indian Ocean. After the 73rd Constitutional Amendment, decentralisation is taking place and more and more powers are being handed over at grass-root level through Panchayati Raj System. Earlier we had such Panchayats as the village Panchayat, Block level Panchayat and district level Panchayat. After 1981, they were rendered virtually powerless and are had to approach the Central Administration time and again. We faced a lot of difficulties especially in the area which is hundreds of miles away from the main land. Hence I fully support the Government of Union Territory of Andaman and Nicobar Islands Bill, 1996 moved by Shri Basu Deb Acharia. I also want that Legislative Assembly should be set up there and the Government should give an assurance to this effect.

THE MINISTER OF STATE IN THE MINISTRY OF HOME AFFAIRS (SHRI MOHD. MAQBOOL DAR): Hon'ble Mr. Chairman, sir, I thank Hon'ble member, Shri Basu Deb



Acharia for having introduced the Government of Union Territory of Andaman and Nicobar Islands Bill, 1996 in the House. I also thank all those members who spoke on it in detail, raised certain vital points and participated in the discussion. I especially thank my colleague, Shri Manoranjan Bhakta who hails from Andaman-Nicobar I have had the opportunity to visit this area. I went there as per the directions of my senior colleague. Whatever my friends have stated here, I found it being actually practised there. I found the same familiar atmosphere in Andaman as is prevalent in the area to which I belong. I found the same atmosphere, environment, brotherhood, poverty and backwardness there also. Besides the Hon'ble Member who has been elected to the House for the eighth time riding on the crest of popularity has no rivals. He is so very popular there. I was highly pleased. He has good relations with the people.

[English]

In this august House I should commend his role which I myself saw there.

[Translation]

His heart brims over with the feelings for the people of that area and he has communicated these feelings and sentiments pretty well. It is in a way his duty also to do so. I appreciate this. I found that this area known as mini-India is an ideal place and nowhere else have I found Muslims and non-muslims related to each other as actual maternal or paternal cousins.

[English]

I find true and practical secularism here.

[Translation]

The various languages spoken throughout the nation were being spoken there. Port Blair was devastated by fire.

[English]

All the shops and houses were razed to the ground.

[Translation]

I was highly impressed. I was introduced to the people there and I find myself unable to express in words as to how nice these people are. But in the discussion that took place in the House, I found a certain misunderstanding which is there probably due to lack of information. Hence as a responsible representative of the Government, I would try to remove that misunderstanding during the course of my reply. One of my colleagues has discussed this only recently. I would express the view point of the Government in this regard. About the point of misunderstanding, I would like to state that a lot has been done in phases over the years in order to democratise the Government of Andaman and Nicobar Islands. First of all Pradesh Council was created here. The Pradesh Council made suggestions to the administration on financial, administrative and legislative matters. These suggestions were not mandatory.

[English]

That, of course, was recommendatory.

SHRI MULLAPPALLY RAMACHANDRAN (CANNANOR): Andaman is a part of India. You must remember that.

SHRI MOHD. MAQBOOL DAR: Yes, and I am talking about that part of India only.

[Translation]

I am talking about Andaman and Nicobar Islands. I will explain how the democratic process has been initiated there.

[English]

I am particularly talking about Andaman and Nicobar Islands, the most beautiful part of our country.

[Translation]

Then, along with that a three-tier panchayat system was formed.

KUMARI MAMATA BANERJEE (CALCUTTA-SOUTH): But it was not given any powers.

SHRI MOHD. MAQBOOL DAR: There is some misunderstanding, which I would try to remove.

[English]

The three tier system is called by the names, (*Panchayat Samiti, Zila Parishad and Gram Panchayat*).

[Translation]

I would like say about its funding and the discussions, right or wrong, held on it.

[English]

The fact is, under the Andaman and Nicobar Islands Panchayats Regulation, 1994, *Gram Panchayats* have been given the authority so as to enable them to function as an institution of self-Government in respect of the preparation of plans for economic and social justice in the sphere of sanitation and health. They are responsible for arranging supply of water for domestic use and for cattle; construction and cleaning of public roads, drains, ponds and wells; establishing and maintaining public hospitals and dispensaries; public latrines, maternity and child welfare; cleaning, construction and maintenance of buildings for warehouse shops, common use and those necessary for development activities.

[Translation]

Speak after I have finished.

[English]

They are also required to prepare plans for development of villages and assist the implementation of various projects

[Shri Mohd. Maqbool Dar]

of the Government, recruitment, training and management of staff to the employed by *Panchayats*.

Similarly, the Lieutenant Governor of Andaman and Nicobar Islands has issued necessary notification specifying that the *Panchayat Samitis* shall have the power to make plans for economic development and social justice in relation to the matters pertaining to sanitation, health, agriculture, irrigation, animal husbandry, village small scale industries, cooperation, women and child welfare.

Under the Municipality Act, the Members of the Municipality are directly elected. The municipality has been given the power and the authority to enable it to function as an institution of self-government.

[Translation]

All that has been indicated, is supported

[English]

By notification, order, rules and regulation, in letter and spirit it is like this.

[Translation]

KUMARI MAMATA BANERJEE: You speak well ex-tempore.

[English]

SHRI MANORANJAN BHAKTA (ANDAMAN AND NICOBAR ISLANDS): May I seek one clarification? I agree that this notification has been issued by the Andaman and Nicobar Administration. In the entire regulation, it has been mentioned that any work has to be done under the prescribed rules provided by the Administrator but not a single rule has been mentioned. More than one-and-a-half year has passed. Nothing has been done. Once you issue a notification, you cannot implement it until and unless this thing is completed.

The second point is, recruitment right from the post of a Panchayat Secretary to the post of a Peon or a labourer in that part is done by the Administration and they are transferred there. No local body has the right to do anything. If you say that what I say is wrong...*(Interruptions)*

SHRI MOHD. MAQBOOL DAR: No, I will never say so. You are an hon. Member. Your voice is the voice of the people of Andaman and Nicobar Islands. I can never say that you are like that.

[Translation]

But I have said, what I had to say on behalf of the Government.

KUMARI MAMATA BANERJEE: It is also right.

[English]

MR. CHAIRMAN: Hon. Minister, please do not talk to

the Members. Address the Chair.

[Translation]

SHRI MOHD. MAQBOOL DAR: So far as the first question is concerned that it has no powers, this is the notification of the Lt. Governor.

[English]

Will you allow me to read to out?

[Translation]

KUMARI MAMATA BANERJEE: There is no need.

PROF. RASA SINGH RAWAT: There should be a Legislative Assembly duly elected by the people ...*(Interruptions)*

[English]

KUMARI MAMATA BANERJEE: The Minister has been speaking well ex-tempore. Why should be start reading from papers. There is no need of it.

[Translation]

I would like to reply it through a couplet. ...*(Interruptions)*

[English]

MR. CHAIRMAN: Mr. Minister, are you yielding to her?

*(Interruptions)*

MR. CHAIRMAN: You allow him to complete his speech after which you can ask him questions.

[Translation]

KUMARI MAMATA BANERJEE: I want to explain it is couplet, as to why we want it.

"Raat jitni bhi sangeen hogi,  
Subah utni hi rangeen hogi,  
Gum na kar garaj badal ghanera,  
kis ke roke ruka hai savera."

SHRI MOHD. MAQBOOL DAR: You did not allow me to read out the reply to the first question. It means both of us are correct.

Regarding the second question there is no scope for recruiting people there.

[English]

There is a recorded statement here.

[Translation]

Recruitment to Group 'C' and 'D' posts was made from among the locals. Recruitment for Group 'A' 'B' is done through Union Public Service Commission. It is a part of the country. In my view the same rules and regulations are applicable there. Anyway, whatever you have said, will be considered. You also consider it on behalf of the

Government...(Interruptions)

MR. CHAIRMAN: Please address the Chair while speaking.

SHRI MOHD. MAQBOOL DAR: I will address you. Mr. Chairman, Sir, Besides, we have also set up a committee in the Home Ministry. The representatives of the Andaman and Nicobar Islands, five members from the *Zila Parishad* are members of this committee. Hon. Member is a Member in that Advisory Committee.

KUMARI MAMATA BANERJEE: It has not met in the past five years.

SHRI MOHD. MAQBOOL DAR: The Chairman of the Municipal Committee is a member of it. His powers commensurate with his status. And is equal to that of the Members of Parliament and Assemblies.

[English]

So far as state Legislation is concerned and concurrent. Legislation is concerned.

[Translation]

KUMARI MAMATA BANERJEE: What the use when the meeting is not held. In the past five years it has not met even once.

SHRI MOHD. MAQBOOL DAR: It has not met in the past five years. And I have been since the past five months only. I will immediately convene its meeting after holding discussion with you ...(Interruptions) I have placed the facts before you. I am not saying that this is wrong. Their stand may be right and so is mine.

PROF. RASA SINGH RAWAT: Mr. Chairman, Sir, this is the golden jubilee year of our independence. Our freedom fighters were lodged there. For several years they languished in the cellular jail and several of them became martyrs...(Interruptions)

[English]

MR. CHAIRMAN: Please sit down.

(Interruptions)

[English]

SHRI MOHD. MAQBOOL DAR: Let me conclude my speech.

[Translation]

MR. CHAIRMAN: Mr. Minister, you please, address to the House.

SHRI MOHD. MAQBOOL DAR: Apart from this, right now—this is the view point of the Government. The particular reason behind it is that I sat in opposition for 35 years. Even I was beaten up but inspite of your instructions I am looking at him. I am sorry. I will try to change my habit.

Sir, the strategic location of this island is very beautiful. It is near to the borders of Myanmar, thailand, Malaysia and Indonesia. The view point of this Government is that from the main land...

SHRI KALPNATH RAI (GHOSI): What do you want to say?

SHRI MOHD. MAQBOOL DAR: What I want to say is that it is far away from the capital and it should be kept under direct control. This is the view point of the Government. During the year 1995-96, the income of this state was Rs. 66.82 crore and.

[English]

Actual source of income is Rs. 398.23 crore, that is, 17 per cent of the expenditure. And the balance eight-three per cent goes from here as Grant-in-Aid.

[Translation]

I have explained you the position as the state is over burdened. This is not my final opinion in respect of the expenditure of that state. I have full sympathy with the hon. Members. I also have sympathy with other hon. Member who spoke from the core of his heart. Many members have participated in the Debate. But I would request you to let me explain the factual position. The common finance commission has submitted its report for U.Ts.

[English]

It is proposed that the financial powers and legislative power are to be devolved more and more at the Government level.

[Translation]

Therefore I would like to say that.

[English]

At this juncture, it is not within my powers to announce here.

MR. CHAIRMAN: Please speak on the Bill.

[Translation]

SHRI MOHD. MAQBOOL DAR: This is my personal opinion that it has got a particular procedure. It is not easy to grant statehood straightway. I would convey your sentiments to Government in this regard. All political parties have to discuss about it and then a Cabinet Committee has to take a decision. All that will be done. Giving due respect to the feelings expressed by the Members, I would like to say that I would place the entire view points before the Government.

[English]

SHRI BASU DEB ACHARIA (BANKURA): Sir, I am rather disappointed to hear the intervention of the Minister of State for Home Affairs. I am grateful to the hon. Members who participated in the debate and supported

[Shri Basu Deb Acharia]

wholeheartedly the Bill for providing Statehood and a Legislature for Andaman and Nicobar Islands.

MR. CHAIRMAN: Shri Acharia, I want to just make a request to you. This Bill has already taken more than four-and-a-half hours. Therefore, we shall have to conclude it.

SHRI BASU DEB ACHARIA: Sir, you extend it by another fifteen minutes or half-an-hour.

MR. CHAIRMAN: Therefore, please see that the discussion on this Bill is concluded within next fifteen or twenty minutes.

SHRI BASU DEB ACHARIA: Sir, I am grateful to all the hon. Members who supported this Bill. This is a unanimous voice of this House which includes the hon. Members from the BJP and other Parties.

There is a feeling among the people of Andaman and Nicobar Islands that they are alienated from the mainland. That is why I brought this Bill and demanded that Andaman and Nicobar Islands should also be given a State Legislature. The Minister of State has not replied to all the points raised by the hon. Members who participated in the debate.

[Translation]

SHRI MOHD. MAQBOOL DAR: I would like to say one more point which I forgot to mention earlier. The Hon. Member has said that no financial help has been given to the victims of fire accident which took place there. I, through you, would like to inform him that the Government of India has earmarked and sanctioned a sum of Rs. eight crore for the victims who suffered losses in the said fire incident.

[English]

SHRI BASU DEB ACHARIA: This is a non-controversial Bill. When the National Capital Territory Region of Delhi Bill was passed in this very House, at that time also, we raised this issue for providing a Legislative Assembly to Andaman and Nicobar Islands. We were assured by the Central Government that Statehood for Andaman and Nicobar Islands will also be considered in the future. But the Government did not consider it. So, I was compelled to bring this Bill. I expected that the Minister of State for Home Affairs will announce Statehood for Andaman and Nicobar Islands today. The demand for Statehood by the people of Andaman and Nicobar Islands is a genuine one. Why should there be a State Legislature? It is because after the election to the three-tier Panchayat, now there is no Provincial Council. But the difference, Sir, is that Panchayats in Andaman and Nicobar Islands have no powers.

What he has stated in the notification is that the powers have not been delegated to the Panchayats in Andaman and Nicobar Islands. How long the people of Andaman and Nicobar Islands be treated as second class citizens?

Now we are observing the Fiftieth Anniversary of our Independence and we are also observing the Centenary of Netaji Subash Chandra Bose. Netaji announced Provincial Government there at Andaman and Nicobar Islands in the year 1943. So in this Fiftieth year of Independence of our country, we expected that the Government today would announce that this is a genuine demand of the people of Andaman and Nicobar Islands and so the Statehood would be granted to them.

The people of Andaman and Nicobar Islands have been discriminated. They have no right to elect or participate in the elections of the President of India and there is no representative Government in Andaman and Nicobar Islands. Panchayati Raj cannot be a substitute for a State Government. So the demand is genuine. We have elaborated as to what is happening in the Islands.

The hon. Minister referred to a Committee. That Committee was constituted five years back and during these five years not a single meeting has been held. So what is the need for such a Committee which cannot meet in five years?

Unless we get a firm commitment that in this very Session the Government would bring a Bill for giving Statehood to Andaman and Nicobar Islands, I am helpless but to withdraw this Bill. This is the demand of the people of Andaman and Nicobar Islands. We must respect their aspirations, their desires and their dreams to have a State Legislature like the other States. Why are they being discriminated? This discrimination should not be there. I request the Minister of Parliamentary Affairs to clarify the position.

THE MINISTER OF PARLIAMENTARY AFFAIRS AND MINISTER OF TOURISM (SHRI SRIKANTA JENA): My colleague Dar Saheb has already explained the position. I just had a talk with the Prime Minister. Let me clarify the position from the Government side. I would request the hon. Member to withdraw the Bill and simultaneously, I assure the House that there will be an all party meeting and in that meeting if there is a consensus...(Interruptions)

SHRI BASU DEB ACHARIA: There is a consensus.

SHRI SRIKANTA JENA: That all party leaders' meeting will be called in this Session itself and we will take a view in that meeting itself. If there is a consensus in that leaders' meeting, the Government will certainly and positively react to that.

SHRI BASU DEB ACHARIA: But there is a consensus in the House ...(Interruptions)

SHRI SRIKANTA JENA: I agree, but the only point...(Interruptions) The Government will not stand in the way, it will certainly consider it. It is a firm assurance from the Government side. The all party leaders' meeting will be called in the next week itself...(Interruptions) While I am giving all respect to the House and the Government has taken note of the sentiments of the entire House ...(Interruptions)



KUMARI MAMATA BANERJEE: This is a Private Member's Bill and the Members have every right to have their say...*(Interruptions)*

SHRI SRIKANTA JENA: I fully agree with you, but the only thing that I want to say is that assuring that immediately the Government will give Statehood is not possible.

The Government assures that if there is a consensus in the Leaders' Meeting, then certainly the Government will positively react to that. ...*(Interruptions)*

KUMARI MAMATA BANERJEE: Are all the Members beggars? They are not beggars. They are supreme. We are not beggars. ...*(Interruptions)*

SHRI SRIKANTA JENA: I will also convey the sentiments of the House in that meeting. The Government is positively reacting to your demand, in the sense that an all-party meeting will be called next week and a positive decision will be taken ...*(Interruptions)*

SHRI HANNAN MOLLAH (ULUBERIA): All the political parties are agreeing to this and only the bureaucrats are opposing to this. ...*(Interruptions)*

SHRI MANORANJAN BHAKTA: It is because of the bureaucrats, this has not been accepted. ...*(Interruptions)*

SHRI BASU DEB ACHARIA (BANKURA): Why can you not say that you will bring a Bill after having a meeting with all the party leaders? ...*(Interruptions)*

SHRI SRIKANTA JENA: Exactly that is what I was going to tell you ...*(Interruptions)*

SHRI MANORANJAN BHAKTA: You categorically say as to when you are going to bring this Bill. ...*(Interruptions)*

SHRI SRIKANTA JENA: I have already categorically said that we will hold an all-party meeting on this and if there is a consensus, then a Bill can be introduced in this Session itself. ...*(Interruptions)*

[Translation]

SHRI BHAGWAN SHANKAR RAWAT (AGRA): Mr. Chairman, Sir, Shri Basudeb Acharia is a very senior Member. The hon. Minister is trying to put pressure on him by saying like this. Therefore, I would request that the hon. Minister should give a categorical assurance in the House because the apprehension of Shri Basu Deb Acharia is that bureaucracy would create hurdle in it. A categorical assurance should be given that bureaucracy would not be allowed to create any hurdle in it.

[English]

MR. CHAIRMAN: Shri Acharia was on his legs.

*(Interruptions)*

SHRI SRIKANTA JENA: I request the hon. Member, Shri Acharia to kindly withdraw his Bill since the Government

is responding to his Bill and in the next week we are holding the leaders' meeting ...*(Interruptions)* In this Session, we are up to 9th May ...*(Interruptions)* I would request Shri Acharia to withdraw his Bill. ...*(Interruptions)*

KUMARI MAMATA BANERJEE: We want voting on this Bill. We want division ...*(Interruptions)*

SHRI BASU DEB ACHARIA: What is the difficulty in accepting this Bill? It is a non-controversial one ...*(Interruptions)*

KUMARI MAMATA BANERJEE: We want division ...*(Interruptions)*

SHRI SRIKANTA JENA: I have already responded to it. Even the Congress Chief Whip, Shri Sontosh Mohan Dev has suggested that the Government can call an all-party meeting on this. I am responding to that. ...*(Interruptions)*

SHRI P.M. SAYEED (LAKSHADWEEP): I am the Deputy Chief Whip of my party ...*(Interruptions)*

SHRI SRIKANTA JENA: Shri Sontosh Mohan Dev has suggested in the same way ...*(Interruptions)* I am responding to that. ...*(Interruptions)*

SHRI P.M. SAYEED: The BJP also has supported it. Mr. Parliamentary Affairs Minister, do not denigrate this House. The whole House is unanimously supporting this Bill. ...*(Interruptions)*

SHRI BASU DEB ACHARIA: What is the difficulty in accepting this Bill? ...*(Interruptions)*

MR. CHAIRMAN: The Government's position has been made clear by the Minister for Parliamentary Affairs. Shri Acharia, you as a Mover of the Bill, please conclude your speech. Then, let us see what is to be done.

SHRI BASU DEB ACHARIA: Sir, I have already concluded my speech. ...*(Interruptions)*

MR. CHAIRMAN: Shri Acharia, have you concluded your speech?

SHRI BASU DEB ACHARIA: Yes, Sir.

...*(Interruptions)*

MR. CHAIRMAN: Shri Acharia, have you withdrawn the Bill?

*(Interruptions)*

SHRI BASU DEB ACHARIA: At this moment, I want a firm commitment from the Government because there is a consensus on this. What more consensus does he require? ...*(Interruptions)*

SHRI MANORANJAN BHAKTA: There is a full consensus on this and all the parties have supported this Bill. ...*(Interruptions)*

KUMARI MAMATA BANERJEE: We are not beggars. ...*(Interruptions)*

[Shri Srikanta Jena]

SHRI BASU DEB ACHARIA: Sir, all the parties have wholeheartedly supported this Bill... *(Interruptions)*

SHRI V. DHANANJAYA KUMAR (MANGALORE): Mr. Chairman, Sir, he is trying to exert pressure on Shri Basudeb Acharia ...*(Interruptions)*

SHRI SRIKANTA JENA: Let us not make it a political issue. The Government is taking steps ...*(Interruptions)*

SHRI V. DHANANJAYA KUMAR: It is not a political issue. ...*(Interruptions)* It is the firm opinion of the House that the Bill must be adopted and that the Bill must be passed. You, please do not exert pressure on him. Please allow him to wholeheartedly pass this Bill.

KUMARI MAMATA BANERJEE: If you assure that you will bring a Bill in this Session itself, then we will allow him to withdraw. Otherwise, we will not allow him to withdraw the Bill.

SHRI SRIKANTA JENA: I have already assured the hon. Members that the Government is not standing in the way because there is a consensus, as I see it today, in the House. But the only thing is that there are certain formalities and I am sure the Members will cooperate with the Government. For their own interest, I request them to please withdraw this Bill and in the next week itself, the Government is holding the meeting.

KUMARI MAMATA BANERJEE: No. *(Interruptions)*

SHRI SRIKANTA JENA: Let me complete. What I said was that whatever will be in the meeting of the leaders of different political parties, the Government will certainly bring a Bill in this Session itself.

SHRI BASU DEB ACHARIA: Why is it 'subject to that meeting'? Is it because ...*(Interruptions)*

MR. CHAIRMAN: Shri Basu Deb Acharia, please one at a time. This is not the way.

SHRI BASU DEB ACHARIA: You give a firm commitment that in this very Session itself, you will bring a Bill to provide Statehood to Andaman and Nicobar Islands.

SHRI SRIKANTA JENA: I have said that to bring a Bill and for other formalities, I have to call for an all-party meeting.

SHRI BASU DEB ACHARIA: No.

*(Interruptions)*

MR. CHAIRMAN: This is not the question between you and an individual Member.

*(Interruptions)*

MR. CHAIRMAN: Hon. Members, Mr. Acharia and Mr. Jena, please do not make it an issue between you and an individual Member. It is not the question between an individual Member and an hon. Minister.

*(Interruptions)*

MR. CHAIRMAN: You have not been allowed to speak. Therefore, from the Government side, they had made their position clear and you have to respond to it and in this respect the House should be conducted in a peaceful and orderly manner. Shri Sayeed, please give your views.

SHRI P.M. SAYEED (LAKSHADWEEP): Shri Jena has given a categorical assurance that a Bill for the Statehood of Andaman and Nicobar Islands would be brought in this very Session. Is it that that statement he has made? I want to know that. There should not be any conditional objection. There cannot be because the Bill has already been introduced, discussed and even if Shri Basu Deb Acharia wants to withdraw, that will be with the consent of the House. Neither he can do it nor you can do it. Mr. Chairman, I want the Minister to give this categorical assurance.

MR. CHAIRMAN: You are right. I want the Minister to.

*(Interruptions)*

MR. CHAIRMAN: Please one at a time. Would you kindly formulate the position of the Government in this respect?

SHRI SRIKANTA JENA: Why I said a meeting of the leaders is required, is because of two reasons. There is a demand for the Statehood and there is a demand within the Union Territory that there should be a legislature. So these two things—whether we should go for the Statehood or we should go for only Legislature—have to be finalised. Therefore, a meeting has to be required. Therefore, I only appeal to you to please withdraw the Bill.

SHRI MANORANJAN BHAKTA: We agree to that.

SHRI SRIKANTA JENA: Therefore let us decide in the meeting. *(Interruptions)*

MR. CHAIRMAN: Hon. Members, I want to say that when he is making out his point, you please keep silence and listen to his reply.

SHRI SRIKANTA JENA: Therefore, whether it is Statehood or within the Union Territory a Legislature, has to be sorted out in the leaders' meeting. Therefore, I suggested that the Government respects the sentiments of this august House and the Government will positively respond to that. The only formality is to call a meeting in the next week and in this Session itself, we will bring a Bill as decided in the meeting itself.

*[Translation]*

SHRI BHAGWAN SHANKAR RAWAT: It is your firm commitment that it will be a Union Territory or it will get statehood. ...*(Interruptions)*

*[English]*

MR. CHAIRMAN: Mr. Acharia, this is not the way.

SHRI MANORANJAN BHAKTA: Sir, I want to seek one clarification. This is an important point.

MR. CHAIRMAN: Shri Basu Deb Acharia, please say whether you are willing to withdraw the Bill. *(Interruptions)*

SHRI MANORANJAN BHAKTA (ANDAMAN AND NICOBAR ISLANDS): I want to seek some clarifications. ...*(Interruptions)*

MR. CHAIRMAN: No; this is not the way.

SHRI V. DHANANJAYA KUMAR: I am on a point of order.

*(Interruptions)*

MR. CHAIRMAN: Shri Basu Deb Acharia, I have asked you.

SHRI BASU DEB ACHARIA: In view of the assurance given by the Minister of Parliamentary Affairs that in this very Session they will bring a Bill after discussions with all the political parties, I am withdrawing the Bill.

I beg to move for leave to withdraw the Bill to provide for the creation of a Legislative Assembly for the Union Territory of Andaman and Nicobar Islands and for matters connected therewith or incidental thereto.

MR. CHAIRMAN: The question is:

"That leave be granted to withdraw the Bill to provide for the creation of a Legislative Assembly for the Union Territory of Andaman and Nicobar Islands and for matters connected therewith or incidental thereto."

*The motion was adopted.*

SHRI BASU DEB ACHARIA: I withdraw the Bill.

16.52 hrs.

CONSTITUTION (AMENDMENT) BILL

(OMISSION OF ARTICLE 44 ETC.)

*[English]*

MR. CHAIRMAN: Shri Bhagwan Shankar Rawat has to move that the Bill further to amend the Constitution of India, be taken into consideration.

*[Translation]*

SHRI BHAGWAN SHANKAR RAWAT (AGRA): Mr. Chairman, Sir, I beg to move that:

"the Bill further to amend the Constitution of India, be taken into consideration."

*[English]*

MR. CHAIRMAN: Order please.

*[Translation]*

SHRI BHAGWAN SHANKAR RAWAT: Sir, Article 44 under the Directive Principles of State policy in the Constitution states that:

*[English]*

"The State shall endeavour to secure for the citizens a uniform civil code throughout the territory of India."

*[Translation]*

But even after 50 years of independence the Government have not been able to enact a uniform civil code. Though it has been stated in the Directive Principles yet the Government have so far overlooked it. ...*(Interruptions)* A division bench of the Supreme Court headed by justice Kuldeep Singh also gave some ruling but the Government did not take note of that ruling also. It did not respect the spirit of that directive. It is the need of the hour today that we should have a common civil code or a uniform civil code.

In this connection, I would like to submit that Pt. Jawaharlal Nehru committed a big mistake. In 1955, he brought about a Hindu code Bill to enact the same and asserted that they had made the common civil code for 80 per cent people of the country. Had they enacted that common civil code 100 per cent people of the country and not for 80 per cent, there would have been no communal division in the society. We could not bring the uniform civil code because we saw our vested interest in the minorities' vote bank. Not only this, whenever any change in the Hindu or Muslim or Christian personal laws was mooted, it was the Hindu law which was changed and a communal frenzy was created. It was said that no interference would be made either in Muslim or Christian law. Not only this, when the Supreme Court gave its verdict on humanitarian grounds in Shahbano case, that too was not accepted by the Parliament and a law was enacted to reverse the verdict of the apex court. Even today thousands and lakhs of Shahbano are crying for justice but they are not getting the same. Thousands of Shahbanos are being burnt to death today but nobody is there to do justice to them.

I can say it without any hesitation that though our sisters in a male dominated society do fight for Government jobs for seats in Legislative Assemblies and Lok Sabha yet they do not pay their attention towards the basic problems of women in the society. The different women's organisations have failed to take note of such problems. We are exploiting our women. We have made them just an object of enjoyment. May I know from the hon. Members as to which are those countries where different laws are enacted on religious basis? I have studied the laws in force in Pakistan, Tunisia, Syria, England, America and Russia but except for India, there is uniform law in each of these countries and there is no discrimination on the basis of either religion or creed. Only in India laws are made on the basis of religion. If somebody raises his voice against the system and says that there is no relation between the